

# LOCAL PLANNING POLICIES

## Outbuildings In R-Coded Areas



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Policy Number:	P13
Relevant Delegation:	Not Applicable
Adoption Details:	23 November 2021
Last Review Details:	22/07/2021 (NEW)

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### **POLICY OBJECTIVE:**

To provide a basis for the construction of outbuildings in Shire, and to outline variations permitted under clause 7.3.2 of the Residential Design Codes.

### **POLICY SCOPE:**

This policy is to provide a basis for the construction of outbuildings in the Residential, Regional Town Centre and Rural Townsite zones as identified by the Scheme.

### **POLICY STATEMENT:**

#### **PRINCIPLES**

- (a) To facilitate the construction of outbuildings that meet the needs of local residents.
- (b) Recognise the unique characteristics of outbuilding development in the Shire not adequately catered for by the R-Codes.
- (c) Provide appropriate development standards for outbuildings that reflect the Shire's climate, lifestyle and built form and do not detrimentally affect the amenity of the property or adjoining properties.
- (d) To provide exemptions from the requirement to seek development approval, where the outbuilding is constructed in accordance with this policy.

#### **BACKGROUND**

Residents of the Shire of York have different needs to those in metropolitan Perth, therefore this Policy recognises the need to vary the usual Residential Design Code recommendations by increasing outbuilding space (areas and heights) for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. As a general rule people expect to be able to have larger outbuildings on larger lots.

Currently under the Shire of York's Local Planning Scheme No. 3, development approval is required for the construction of outbuildings when the site is located in a heritage precinct, is on the heritage list, located within the Avon River Flood Fringe, is in the Regional Town Centre zone or is in a Residential or Rural Townsite Zone, and when the proposed outbuilding does not meet the requirements of the R-Codes acceptable development criteria.

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\*Note that Regional Centre Zoned lots have a default zoning of R60

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## PROVISIONS

### KEY TERMS/DEFINITIONS:

The definitions that are used in this policy are the same as in the Shire of York Local Planning Scheme No. 3 (the Scheme), Deemed Provisions and the Residential Design Codes (R-Codes).

For the purposes of this Policy and application of the R-Codes:

- **Detached Garages** are considered outbuildings.
- **Attached Garages** that are incorporated into the house design and under the same roof line are not considered outbuildings and are to be assessed under the provisions of the R-Codes.
- **Carports** are not considered outbuildings and are to be assessed under the provisions of the R-Codes.
- **Lean-to** means an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles.

### EXEMPTIONS:

This Policy does not apply to:

- Carports.
- Garages attached to a house and incorporated under the same roof line.
- Unenclosed structures considered under the R-Codes requirements.
- Small Outbuildings as defined in the R-Codes section 5.4.3.
- Commercial or industrial sheds located in the Regional Town Centre zone.
- Habitable buildings.
- Sea Containers and other similar storage structures considered under Local Planning Policy No. 9– ‘Sea Containers’.

### RELEVANT LEGISLATION:

#### Relationship of this policy to the Residential Design Codes

This Policy has been made in accordance with clause 7.3 of the Residential Design Codes (R-Codes). This Policy replaces the deemed-to-comply requirements relating to Outbuildings (i.e. Part 5, clause 5.4.3 and Part 6, clause 6.4.4) contained in the R-Codes. This Policy is to be read in conjunction with the R-Codes for other relevant provisions.

### APPROVAL REQUIREMENTS

Development approval is not required for an outbuilding on the same lot as a single house or grouped dwelling if:

- (a) The R-Codes apply to the works; and
- (b) The works comply with the deemed-to-comply provisions of the R-Codes or this Policy; and
- (c) The works are not located on a heritage-protected place or in a Heritage Area as defined in The Shire of York’s Local Planning Policy No.6 – Heritage Conservation and Development; and
- (d) The works are not located on a property mapped as being impacted by the Avon River Flood Fringe or Floodway.

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A development application for a variation deemed-to-comply provisions of the R-Codes and/or of this Policy may be granted with appropriate conditions if the development:

- (a) meets the stated design principle for outbuilding development.
- (b) meets the primary objectives of this Policy,
- (c) will not set an undesirable precedent for future development.
- (d) is not likely to have a detrimental impact on the amenity of the locality and adjoining properties.

Alternatively, the development application may be refused.

### **OUTBUILDING DESIGN PRINCIPLE**

R-Codes Clause 5.4.3. P3 'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties'.

### **DEEMED TO COMPLY REQUIREMENTS**

Table A 'Small outbuilding' in Clause 5.4.3 (C3) of the R-Codes is not varied by this Policy.

The below deemed-to-comply requirements replaces Table B 'Large and Multiple Outbuildings' in clause 5.4.3 (C3) of the R-Codes and applies to all residential density codes.

Large and Multiple Outbuildings are 'Deemed-to-comply' if they comply with the following:

- 1. **Not** to be **attached** to a dwelling.
- 2. **Not** to be **habitable** (i.e. not used for residential purposes).
- 3. **Not** to be used for **commercial** purposes unless approved otherwise by the local government.
- 4. Outbuildings with **maximum aggregate outbuilding area** as follows:

<b>Lot Size</b>	<b>Maximum Aggregate Outbuilding Area</b>
<b>Lot less than 1,000m<sup>2</sup></b>	100m <sup>2</sup> or 10% of the site area whichever is lesser
<b>Lot between 1,000m<sup>2</sup> and 3,000m<sup>2</sup></b>	150m <sup>2</sup>
<b>Lot greater than 3,000m<sup>2</sup></b>	200m <sup>2</sup>

- 5. A **lean-to** may be constructed in addition to the maximum aggregate outbuilding area if it is:
  - (a) **30% or less of the roof cover** of the existing or proposed outbuilding;
  - (b) **Enclosed** only on **one side**; and
  - (c) Constructed of **materials that match** or complement the proposed / existing **adjoining outbuilding**.

A 'lean-to' which does not meet the above criteria is considered a part of the outbuilding and is included in the calculation for maximum aggregate outbuilding area.

- 6. A detached carport or garage up to 10m<sup>2</sup> in addition to the maximum aggregate outbuilding area provided there is no garage incorporated under the main roof of the dwelling.
- 7. **Not to exceed** a wall height (measured from NGL) of:
  - (a) 3m where the property is zoned R12.5 or higher; or

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(b) 4.2m where the property is zoned R10 or less.

8. **Not to exceed** a roof ridge height (measured from NGL) of

(a) 4.2m where the property is zoned R12.5 or higher; or

(b) 4.8m where the property is zoned R10 or less.

9. **Not** located **within** the primary street or secondary street setback areas;

10. **Not to reduce** the amount of open space required in Table 1 of the R-Codes for the residential density code.

11. Setback:

(a) Less than 1.0m from a side or rear boundary or on the boundary where; or

i. the wall height does not exceed 2.7m;

ii. roof ridge height does not exceed 3.5m;

iii. wall length does not exceed 14.0m; and

iv. stormwater is contained on the property.

(b) In accordance with table b1 or b2 or b3; and

Table b1: for properties with an R-Code of 12.5 or higher\*

Shed Wall Height	Shed Ridge Height	Required Setback
Less than or equal to 2.7m	Less than or equal to 3.5m	0.5m
Less than or equal to 3m	Less than or equal to 4.2m	1m

Table b2: for properties with an R-Code of 5 to 10

Shed Wall Height	Shed Ridge Height	Required Setback
Less than or equal to 3.6m	Less than or equal to 4.2m	As per the R-codes Table 2a
Less than or equal to 3.9m	Less than or equal to 4.5m	As per the R-codes Table 2a + 0.5m

Table b3: for properties with an R-Code of 2.5 or lower

Shed Wall Height	Shed Ridge Height	Required Setback
Less than or equal to 3.6m	Less than or equal to 4.2m	As per the R-codes Table 2a
Less than or equal to 3.9m	Less than or equal to 4.5m	As per the R-codes Table 2a + 0.5m
Less than or equal to 4.2m	Less than or equal to 4.8m	As per the R-Codes Table 2a + 1m

(c) If the shed wall height is above 3.5m or the ridge height is above 4.2m, provides a justification letter for this.

12. Constructed of walls of masonry or non-reflective pre-painted steel cladding that is sympathetic to the surroundings and finish of the existing dwelling on the development site.

13. Constructed of new cladding material.

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14. Located on a property where a dwelling currently exists in a habitable state, or where a dwelling has substantially commenced.

15. Does not require the removal of existing protected Flora.

**PENALTIES:**

Not applicable.

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Responsible Officer: Chief Executive Officer  
Contact Officer: Chief Executive Officer  
Relevant Legislation: *Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*State Planning Policy 7.3 - Residential Design Codes*  
Shire of York Local Planning Scheme No. 3

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>
Adopted – 23 November 2021	251121
<b>Former Policy No:</b>	P7 (replaced with two (2) new policies)